

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:22-cv-00196-MOC-WCM

NICOLE BURGUENO )  
*as Administrator of the Estate of* )  
Brett Burgueno; and )  
SHANNON BUTLER )  
*as Administrator of the Estate of* )  
Curtis Butler )

Plaintiffs,

v.

INDUSTRIAL SERVICES )  
GROUP, INC. )  
*doing business as* )  
Universal Blastco; and )  
BLUE RIDGE PAPER )  
PRODUCTS LLC )  
*doing business as* )  
Evergreen Packaging )

Defendants.

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ORDER

This matter is before the Court on the Motion for Admission *Pro Hac Vice* and Affidavit (the “Motion for Admission,” Doc. 8) filed by Eugene E. Lester, III.

On September 12, 2022, Plaintiffs filed their Complaint naming Industrial Services Group, Inc. doing business as Universal Blastco (“Universal Blastco”) and Blue Ridge Paper Products LLC doing business as Evergreen Packaging (“Blue Ridge”) as defendants. Doc. 1. Plaintiffs allege

that they are citizens of Louisiana, that Universal Blastco is a citizen of South Carolina, and that Blue Ridge is a citizen of Delaware and Illinois such that that this Court may exercise subject matter jurisdiction pursuant to 28 U.S.C. § 1332. Id. at ¶¶ 3-7; 9.

On October 3, 2022, Mr. Lester filed a Notice of Appearance indicating that he is local counsel for “Intervenor, Berkshire Hathaway Homestate Insurance Company” (“Berkshire Hathaway”). The same day, Mr. Lester filed the Motion for Admission, which seeks the admission of Grant T. Herrin who also represents Berkshire Hathaway.

The Motion for Admission appears to be in order, except that the position of Berkshire Hathaway with respect to this matter is not apparent from the docket, including how Berkshire Hathaway is aligned with the other parties and whether its citizenship would affect the Court’s subject matter jurisdiction. Further, although the Notice indicates that Berkshire Hathaway is an intervenor, it has not filed any motion to intervene. See F.R.C.P. 24(c) (setting out requirements for motions to intervene, including that the motion “must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought”).

**IT IS THEREFORE ORDERED THAT** the Motion for Admission Pro Hac  
Vice and Affidavit (Doc. 8) is **DENIED WITHOUT PREJUDICE.**

Signed: October 6, 2022

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

